

Procedure for the election and nominations for ICC judges that is included in the Argentine legislation.

Act 26.200 establishes that candidates for ICC judges are nominated under the same process designated by the National Constitution for the appointment of judges of the Supreme Court of Justice. Indeed, section 28 of the aforementioned act states: "When the Argentine Republic proposes candidates for election as judges of the International Criminal Court, they shall be appointed through the procedure regulated in section 99, paragraph 4 of the National Constitution for the appointment of judges of the Supreme Court of Justice of the Nation."

In the aforementioned process, judges are appointed to the Supreme Court by the President of the Nation, with the approval of the Senate.

In addition, the Ministry of Justice and Human Rights must publish the names and background of the person or persons considered for the position on its website, in the Official Gazette and in two national newspapers.

Candidates for ICC judges must submit an affidavit on their finances and tax compliance (in accordance with public service ethics legislation), and disclose the associations to which they have belonged in the eight years preceding their application, as well as the employers, clients or contractors they have engaged with during the same period of time. They must also, under Decree No. 222/2003, provide information on any possible engagements that may affect their impartiality.

Following the publication of the names of the candidates under consideration, private citizens and civil society may submit written comments and objections to them. During this time, the Ministry of Justice and Human Rights may also seek information about the candidates from different types of organisations (professional associations, judicial bodies, academic institutions, human rights organisations, etc.), as well as from the federal tax agency.

Based on the information sought and received, the Ministry of Justice and Human Rights (the same governmental entity that proposes the candidate) decides whether to present the candidate to the President of the Nation. The President then nominates the candidate for Senate approval in an open session, and senators must formally approve the nomination by a two-thirds majority for the nomination to be confirmed.
